

**MINUTES OF THE  
JUDICIARY INTERIM COMMITTEE**

Wednesday, September 19, 2012 – 9:00 a.m. – Room 25 House Building

**Members Present:**

Senate Chair Mark B. Madsen  
House Chair Kay L. McIff  
Sen. Lyle W. Hillyard  
Sen. Stephen H. Urquhart  
Rep. LaVar Christensen  
Rep. Fred C. Cox  
Rep. Christopher N. Herrod  
Rep. Paul Ray  
Rep. V. Lowry Snow  
Rep. R. Curt Webb  
Rep. Mark A. Wheatley

**Members Absent:**

Sen. Ross I. Romero  
Rep. Derek E. Brown  
Rep. Brian S. King

**Staff Present:**

Ms. Chelsea Lloyd, Policy Analyst  
Ms. Esther D. Chelsea-McCarty, Associate General Counsel  
Ms. Jennifer Christopherson, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Madsen called the meeting to order at 9:20 a.m.

Sen. Romero and Rep. Brown were excused from the meeting.

**MOTION:** Sen. Hillyard moved to approve the minutes of the June 20, 2012, and the August 15, 2012, meetings. The motion passed unanimously with Sen. Urquhart, Rep. Herrod, Rep. Ray, and Rep. Webb absent for the vote.

During agenda item three, Rep. Christensen moved to return to agenda item one to amend the minutes of the August 15, 2012, meeting.

**MOTION:** Rep. Christensen moved to amend the minutes of the August 15, 2012, meeting adding that the committee assigned Sen. Madsen, Rep. Christensen, and Rep. Snow to develop recommendations for action as provided in 2012 General Session H.B. 161, "Rights of Parents and Children." The motion passed unanimously with Sen. Hillyard absent for the vote.

**MOTION:** Rep. Cox moved to amend the minutes of the August 15, 2012, meeting by adding that the proposed amendment included the word "or" after the word "alimony" on line 89 of draft legislation "Alimony Amendments" (2013FL-0018/003). The motion passed unanimously with Sen. Hillyard absent for the vote.

**2. Update from the Utah Judicial Performance Evaluation Commission (JPEC)**

Mr. Anthony Schofield, Chair, Utah Judicial Performance Evaluation Commission (JPEC), discussed the purpose of the JPEC and the work that has been done.

Ms. Joanne Slotnik, Executive Director, JPEC, gave an overview of the [www.judges.utah.gov](http://www.judges.utah.gov) website. She explained that the website provides information to the public about each judge on the ballot in November and the content of the Voter Information Pamphlet. Ms. Slotnik responded to questions from the committee by saying that the goal is to give judges feedback so that they can improve their performance.

Mr. Schofield responded to questions from the committee by stating that the citizen observers go through extensive training before reviewing any judges. He explained that JPEC is currently working towards evaluation criteria for part-time justice court judges and that JPEC would like additional funds to improve the marketing of their website.

### **3. Public Shooting Range Targets**

Ms. Lloyd introduced the topic and stated that currently there is no administrative rule or Utah Code statute prohibiting, or explicitly defining, the types of shooting range targets allowed at public ranges.

Sen. Hillyard gave an overview and said that the reason he brought this issue to the committee is to give constituents the choice of what targets they would like to use.

Ms. Robin Cahoon, Marketing Coordination and Legislative Liaison, Division of Wildlife Resources, said that the primary function of public shooting ranges is to promote safe hunter education training. She responded to questions from the committee by stating that the Division of Wildlife Resources does not allow targets in the form of humans at their ranges during normal business hours.

Mr. Clark Aposhian, Chair, Utah Shooting Sports Council, spoke about the industry standard and said that it would recommend that various kinds of targets be allowed to accommodate the public.

Committee discussion followed. Chair Madsen requested that the topic be considered by the Administrative Rules Committee for further discussion.

**MOTION:** Rep. Christensen moved to return to agenda item one to amend the minutes of the August 15, 2012, meeting. The motion passed unanimously with Sen. Hillyard and Rep. Ray absent for the vote.

### **4. 2013 General Session draft legislation "Disorderly Conduct Amendments"**

Rep. Ray gave an overview of draft legislation "Disorderly Conduct Amendments" (2013FL-0060/003), which was distributed in the mailing packet. Committee discussion followed regarding open-carry and compliance with state constitutional provisions.

### **5. 2013 General Session draft legislation "Alimony Amendments"**

Rep. Cox discussed the changes made to draft legislation "Alimony Amendments" (2013FL-0018/007), which was distributed in the mailing packet. He responded to questions from the committee by saying that the intent of the original statute was to provide the judge with discretion in determining fault in divorce cases.

Mr. Dan Deuel, Executive Director, Parental Action League, spoke in favor of the legislation and said that it strikes a good balance.

Mr. Stuart Ralphs, Executive Director, Legal Aid Society, said that he likes the restructuring of the legislation, but discussed some concerns with the language on lines 95 and 96. He stated that, while he is an adamant opponent of domestic violence, the language in lines 95 and 96 is too broad.

Committee discussion followed.

Mr. Bill Duncan, Director, Sutherland Institute's Center for Family and Society, explained that defining fault is a step forward and that it demonstrates progress.

Committee discussion followed.

**6. Other Business / Adjourn**

**MOTION:** Rep. Ray moved to adjourn the meeting. The motion passed unanimously with Sen. Hillyard and Rep. Herrod absent for the vote.

Chair Madsen adjourned the meeting at 11:43 a.m.